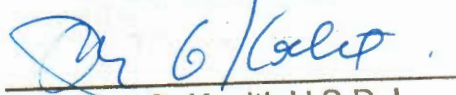


LAW OFFICES OF MICHAEL W. AYOTTE

APPLICATION GRANTED
SO ORDERED

VIA ECF

10/21/21


John G. Koeltl, U.S.D.J.

The Honorable John G. Koeltl
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 14A
New York, NY 10007-1312

October 21, 2021

Re: Watson v. NY DOE 2, et al. (1:19-cv-00533-JGK)
Plaintiff's Request for a 30-Day Extension to File His Responsive Pleading to
NY Doe 2's Counterclaim (ECF 204-205)

Dear Judge Koeltl,

Plaintiff and Counterclaim Defendant Ralph M. Watson ("Plaintiff") submits this letter pursuant to Local Civil Rule 7.1(d) and this Court's Individual Practices, Rule 1.A and 1.E, to respectively request a short extension to file his responsive pleading to NY Doe 2's Counterclaim against Plaintiff Ralph M. Watson, filed on October 8, 2021. ECF 204-205. The Counterclaim alleges that Plaintiff's current defamation action was filed in violation of New York's recently amended anti-SLAPP laws.

Plaintiff's responsive pleading is currently due on October 29, 2021. Plaintiff, however, contends that the counterclaim was filed in violation of Rule 11 and is objectively unreasonable and has no chance for success in that it cannot state a viable claim. Today, Plaintiff has served (but not filed) on all parties a Notice of Motion and Motion for an Order Imposing Rule 11 Sanctions Against Defendant NY Doe 2's Counsel for Presenting Frivolous Claims in a Pleading. Pursuant to the safe harbor provisions of Rule 11, NY Doe 2 has 21 days to retract the pleading. Fed. R. Civ. P. 11(c)(2).

To the extent NY Doe 2 retracts her counterclaim, no responsive pleading or Rule 11 sanctions motion would be required. Unless the Court grants Plaintiff's requested 30-day extension, Plaintiff will be required to file a motion to dismiss the counterclaim on October 29, 2021, a date prior to the expiration of the 21-day safe harbor. Granting a 30-day extension will allow the safe harbor period to pass, and to the extent the counterclaim is not retracted, allow Plaintiff a reasonable amount of time to prepare his motion to dismiss. This Court previously granted Plaintiff's substantially similar request for a 30-day extension in connection with Illinois Doe 1's Counterclaim against Plaintiff on September 7, 2021. ECF 200-202.

LAW OFFICES OF MICHAEL W. AYOTTE

Based on the foregoing, Plaintiff respectfully requests that the Court extend Plaintiff's time to respond to NY Doe 2's counterclaim from October 29, 2021 to November 19, 2021.

Respectfully submitted,

s/ Michael W. Ayotte

Michael W. Ayotte

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cc: All counsel of record via ECF